

REMARKS

In response to the Restriction Requirement under 35 U.S.C. §121, Applicant hereby provisionally elects the invention of Group I, claims 1-6, 12-14 and 18-20. This election is made with traverse.

Applicant respectfully submits that the criteria for a proper requirement for restriction under MPEP §803.01 have not been satisfied.

MPEP §803 states “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to an independent or distinct invention.” (Emphasis added).

Applicants respectfully submit that the search and examination required for Group I necessarily includes the search and examination required for Group II.

For example, claim 12, which is included in Group I, recites a support system for a rotating shaft, comprising: (a) a fixed bracket; (b) a bracket assembly having (i) a first damping member having a first end and a second end, said first end being securably attached to said fixed bracket and said second end being configured to be movable in a first plane aligned with the shaft, (ii) a brace securably attached to said second end of said first damping member, and (iii) a second damping member having a first end and a second end, said first end being securably attached to said brace and said second end being configured to be movable in a second plane that is aligned with the shaft and that is generally perpendicular to said first plane, said first damping member including a first plate member and a first damping element positioned within said first plate member and said second damping member including a second plate member and a second damping element positioned within said second plate member, said first plate member, said second plate member, and said brace together forming a one-piece, unitary bracket element; and (c) a bearing having a first bearing portion securably attached to said second end of said second damping member, and a second bearing portion structured and arranged to be securably attached to the shaft.

Claim 7, which is included in Group II, recites a bracket assembly for supporting a rotating shaft, comprising: (i) a first damping member having a first end and a second end, said first end being configured to be securably attached to a fixed bracket and said second end being configured to be movable in a first plane aligned with the shaft; (ii) a brace securably attached to said second end of said first damping member, said brace having an opening so that the shaft can pass through said brace; and (iii) a second damping member having a first

end and a second end, said first end being securably attached to said brace and said second end being configured to be movable in a second plane that is aligned with the shaft and that is generally perpendicular to said first plane, said first damping member including a first plate member and a first damping element positioned within said first plate member and said second damping member including a second plate member and a second damping element positioned within said second plate member; said first plate member, said second plate member, and said brace together forming a one-piece, unitary bracket element.

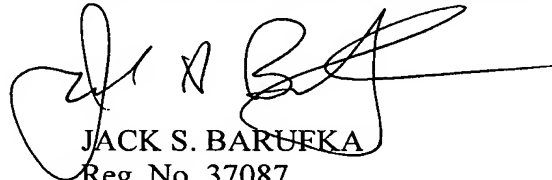
By virtue of the fact that the these claims include the similar features (i), (ii) and (iii), any search designed to identify documents relevant to the patentability of Group I will employ the same or similar search terms and techniques as Group II and, therefore, yields the same or similar documents as a search designed to identify documents related to Group II. Accordingly, Applicant respectfully submits that this Restriction Requirement is unnecessary and improper.

For at least these reasons, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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